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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12
13 UNITED STATES OF AMERICA,
14
15 Plaintiff,

16 v.

17
18 WILLIAM O. MIZE,
19
20 Defendant.

Case Nos. 2:18-CR-232-TOR-1
2:19-CR-0021-TOR
2:20-CR-0144-TOR
2:20-CR-0145-TOR

**NOTICE OF RESOLUTION OF
DEFENDANT'S OBJECTIONS TO
DRAFT PRESENTENCE REPORT**

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22
23 COMES NOW, Defendant William O. Mize, by and through his Criminal
24 Justice Act ("CJA") counsel of record, Andrew M. Wagley of Etter, McMahon,
25 Lamberson, Van Wert & Oreskovich, P.C., and hereby submits the following
26 Notice of Resolution of Defendant's Objections to Draft Presentence Report.
27
28 Defendant and Counsel have reviewed Probation's Addendum to the
29 Presentence Report ("PSR") following Defendant's Objections. (*See* ECF No.
30
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1 1056.) As such, Mr. Mize respectfully submits the following Notice of
2
3 Resolution of Defendant's Objections.

4 All Defendant's Objections have been resolved by Probation's Addendum
5
6 to the PSR. In relation to Objection No. 7 (Zero Point Offender Adjustment
7
8 Under USSG §4C1.1. Specifically, Mr. Mize has agreed in the Rule 11(c)(1)(C)
9
10 Plea Agreement to an adjustment as an Organizer/Leader pursuant to USSG
11
12 §3B1.1. As such Mr. Mize does not qualify as a Zero Point Offender based
13
14 upon the requirement that "the defendant did not receive an adjustment under
15
16 §3B.1.1 (Aggravating Role)." USSG §4C.1(a)(10). This requirement was
17
18 explicitly clarified by virtue of the November 1, 2024, amendment to USSG
19
20 §4C.1.1.

21 RESPECTFULLY SUBMITTED this 14th day of November, 2024.

22 ETTER, McMAHON, LAMBERSON,
23 VAN WERT & ORESKOVICH, P.C.

24 By: /s/ Andrew M. Wagley
25 Andrew M. Wagley, WSBA #50007
26 *Attorney for Defendant William O. Mize*
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November, 2024, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to all of the attorneys that have appeared in this case and have registered with the CM/ECF System. I also hereby certify that I emailed a copy of this document to United States' Probation Officer Cassie Lerch at Cassie_Lerch@waep.uscourts.gov.

EXECUTED this 14th day of November, 2024 in Spokane, WA.

By: /s/ Andrew M. Wagley
Andrew M. Wagley